

REMARKS

Claims 11-23 are pending in the application. Applicants have previously submitted a Notice of Appeal on April 3, 2008; an Appeal Brief in support of the Appeal on June 3, 2008; and a supplemental Appeal Brief on June 24, 2008.

In the Office action dated October 12, 2007, claims 11-18 and 20-23 were rejected; and claim 19 was objected to. In the Examiner's Answer dated August 4, 2008 the Examiner has included new grounds of rejection against claims 13-14.

Responsive to the Examiner's Answer, Applicant respectfully requests that prosecution be reopened, and the above amendments be entered (see 37 C.F.R. § 41.39(b)(1) and MPEP § 1207.03(V).

Rejections under 35 U.S.C. § 112

In the Advisory Action dated March 4, 2008 the Examiner indicated that Applicant's previous Response After Final Rejection was sufficient to overcome the previous rejection of claim 16 under 35 U.S.C. § 112, second paragraph. Applicant is grateful for the withdrawal of the rejection of claim 16.

Rejections under 35 USC § 102

Claims 11-18 and 20-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Piretti (U.S. Patent no. 4,909,472). Without acknowledging the propriety of the rejection, Applicant has incorporated the subject matter of claim 19 into independent claim 11. Applicant respectfully suggests that as claim 19 has been previously identified as being allowable, this places claim 11 into condition for allowance.

Claims 17-19 are canceled as redundant, and claims 20, 21, and 23 are amended to correct claim dependencies.

In view of the above amendments, Applicant respectfully suggests that the rejections of claims 11-18 and 20-23 are overcome.

In the Examiner's Answer, the Examiner has indicated that Applicant's previous argument regarding the clarity of the language of claim 11 has been reviewed, and that the Examiner deems such language as being clear. Applicant thanks the Examiner for his consideration of the previous argument.

New Grounds of Rejection under 35 U.S.C. § 103

In the Examiner's Answer, the Examiner has additionally rejected claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Piretti (U.S. Patent no. 4,909,472).

In particular, the Examiner suggests that it would have been obvious and well within the level of ordinary skill in the art to modify Piretti in order to make the distance between the rotational axes 11, 12 either 5-15 cm or 6-10 cm as such a change in distance or size involves routine skill in the art in order to provide a comfortable distance between the seat and the chair base and depending on the size of the chair or seat in which the mobile joint is used.

Applicant suggests that as the subject matter of claim 19 has been incorporated into independent claim 11, claim 11 is now allowable over the disclosure of Piretti. In particular, as Piretti fails to disclose each and every element of claim 11, as amended, Piretti can not establish the *prima facie* obviousness of the subject matter of claim 11.

Allowable Subject Matter

In the Final Office action dated October 12, 2007, claim 19 was objected to as being dependent upon a rejected base claim. The Examiner indicated that claim 19 would be allowable if rewritten in independent form.

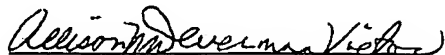
Applicant has amended claim 11 to incorporate the subject matter of claim 19, and Applicant respectfully suggests that claim 11 is in condition for allowance. As claims 12-16 and 20-23 now depend from claim 11, Applicant suggests they are similarly in condition for allowance.

Applicant believes that there is no fee associated with this submission. However, if a fee is due, the Director is hereby authorized to charge the required fee to Deposit Account No. 11-1540.

If a telephonic interview would be helpful in advancing the prosecution of the application, the Examiner is encouraged to contact the undersigned agent with any questions or concerns regarding this paper, or the application as a whole.

CERTIFICATE OF E-FILING

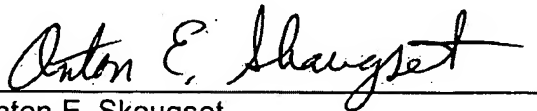
I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on October 3, 2008.



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Respectfully submitted,

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